



Attorney Docket 084335/0131

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Kazuo NAGAI et al.

Title: GENE CONFERRING LYSOZYME INSENSITIVITY TO  
CORYNEBACTERIUM (AMENDED)

Appl. No.: 09/786,474

Filing Date: 03/05/2001

Examiner: Gabriele E. Bugaisky

Art Unit: 1653

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

MAIL STOP AF  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals from the decision of the final rejection dated October 21, 2003, of the Examiner finally rejecting each pending claim.

[ ] Applicant claims small entity status.

[ X ] Applicants hereby petition for an extension of time under 37 C.F.R. §1.136(a) for a total of three months.

[ X ] Notice of Appeal Fee

[ X ] To be paid as detailed below

[ ] Not required (Fee paid in prior appeal)

The required fees are calculated below:

[ X ]	Notice of Appeal Fee	\$330.00
[ X ]	Extension for response filed within the third month:	\$950.00
[ ]	Extension:	\$0.00
	FEE TOTAL:	\$1280.00
[ ]	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$1280.00

- [ ] Please charge Deposit Account No. 19-0741 in the amount of \$1280.00. A duplicate copy of this transmittal is enclosed.
- [ X ] A check in the amount of \$1280.00 to cover the three month extension of time and Notice of Appeal fees is enclosed.
- [ X ] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date April 20, 2004

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By Sean A. Passino (45,943) FOR  
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